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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BANK OF AMERICA, N.A., a National
Association,

Plaintiff,

vs.

OPERTURE, INC., a Nevada Corporation; and
SEDONA CONDOMINIUM HOMEOWNERS
ASSOCIATION, INC., a Nevada Non-Profit
Corporation,

Defendants.

Case No.: 2:17-cv-00383-APG-VCF

**JOINT STATUS REPORT AND
REQUEST TO EXTEND DEADLINE TO
FILE PROPOSED DISCOVERY PLAN
AND SCHEDULING ORDER**

Plaintiff Bank of America, N.A. (**BANA**), and defendant Sedona Condominium Homeowners Association, Inc. (**HOA**) submit this joint status report as follows¹:

1. **Meet and Confer**: On November 19, 2018, the Court lifted the stay in this case and ordered the parties meet and confer within 60 days. Thera A. Cooper, Esq. and a party representative on BANA's behalf and Ryan Reed, Esq. and a party representative on the HOA's behalf met and conferred on January 9, 2019. The parties discussed possible resolution of this matter, including potential settlement structures relating to ownership of the property. And discussed the issues raised in the parties' dispositive motions including the nature of the HOA's argument that the claims

¹ The Clerk entered default on defendant Operture on December 14, 2018. ECF No. 24. BANA filed its motion for entry of default judgment against Operture on December 20, 2018. ECF No. 25.

1 against it were pled in the alternative. The parties agreed the quiet title, declaratory relief, wrongful
2 foreclosure, negligence, negligence per se, and misrepresentation claims remain. The HOA has not
3 yet responded to the complaint and will do so within 30 days, if the case is not resolved.

4 2. **Scheduling Order:**

5 The Court ordered the parties file a proposed scheduling order within 10 days of their meet
6 and confer, or by January 18, 2019. The parties respectfully request the Court extend this deadline
7 by thirty (30) days to allow the parties to fully explore the possibility of settlement. With this thirty
8 day extension, the parties shall submit the proposed scheduling order on or before **February 18,**
9 **2019.**

10 3. **Discovery Remaining:** Written discovery and depositions.

11 Dated the 11th day of January, 2019.

Dated the 11th day of January, 2019.

12 **AKERMAN LLP**

**LEACH KERN GRUCHOW ANDERSON
SONG**

13 /s/ Thera A. Cooper

/s/ Ryan Reed

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20 **ORDER**

21 **IT IS SO ORDERED.**

22 

23 UNITED STATES DISTRICT JUDGE

24 Dated: January 11, 2019.